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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,876	09/13/2000	Michael S. Tignor	GEN-0213	7521
7590	11/26/2003		EXAMINER	
Philmore H Colburn II Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002			NGUYEN, DANNY	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RF

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/660,876	TIGNOR ET AL.	
	Examiner	Art Unit	
	Danny Nguyen	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 11 September 2003.
- 2a)  This action is FINAL.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-5, 16-26 and 37-41 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 3, 4 and 37-39 is/are allowed.
- 6)  Claim(s) 1, 2, 5, 16-26, 40 and 41 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a)  The translation of the foreign language provisional application has been received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12</u>.</li> </ol> | <ol style="list-style-type: none"> <li>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.</li> <li>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6) <input type="checkbox"/> Other: _____.</li> </ol> |
|---|---|

### **DETAILED ACTION**

1. The indicated allowability of claims 2, 22 is withdrawn in view of the newly discovered reference(s) to Dougherty (USPN 6,356,426) and Matsko et al (USPN 4,809,125) Rejections based on the newly cited reference(s) follow.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 16, 23 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 6-15 and 27-36 are withdrawn

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5, 16, 22, 23, 40, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Dougherty (USPN 6,356,462).

Regarding claim 1, 40, and 41, Dougherty discloses that a circuit breaker (circuit breaker 10 shown in fig. 2) for an electrical circuit comprises an operating mechanism (21) for interrupting current in the electrical circuit when operated (see col. 7, lines 24-27); an electronic strip unit (30) including a microcomputer which monitors the current in the electrical circuit and generates a trip by automatically operating the operating mechanism to interrupt the current when the current exceeds a selected value (see col. 4, lines 17-36, and col. 7, lines 8-15); and a rating plug (40) having means establishing the selectable value of the current at which the electronic trip unit trips the operating mechanism (e.g. see col. 5, lines 25-36), and a non-volatile memory (embedded in the circuit 30, see col. 4, lines 25-27) for storing frame current and rating current of circuit breaker (e.g. see col. 5, lines 31-33).

Regarding claim 5, Dougherty discloses a display for displaying the current rating (e.g. see col. 6, lines 6-7).

Regarding claims 16 and 22, Dougherty disclose a rating plug comprises (fig. 3) comprises connector (such as 52) for connecting the rating plug (50) to the trip circuit (30), a non-volatile memory for storing current rating (e.g. see col. 6 and 7, lines 56-3), wherein information regarding to current rating is sent to the trip circuit (63) in digital format only (e.g. see col. 5, lines 45-47), wherein the rating plug contains no resistors relating to frame current or current rating of the circuit breaker (the rating plug 50 shown in fig. 3 contains no resistors). Note that it is one of ordinary skill in the art would recognize that every rating plug circuit of circuit breaker requires a housing for holding components in the rating plug circuit. Therefore, It is inherent that the rating plug in

Dougherty's circuit breaker must have a housing for securing electrical components in the rating plug circuit.

Regarding claim 23, Dougherty disclose a circuit breaker (circuit breaker 10 shown in fig. 5) comprises an electronic trip unit (30) including a microcomputer (see col. 4, lines 16-27), a removable digital rating plug having a non-volatile memory (70) storing current rating (e.g. see col. 6 and 7, lines 56-4), a connector (72) for connecting the rating plug (70) to the trip circuit (30), wherein the current rating is determined exclusively by the non-volatile memory (70).

5. Claims 1, 2, 16, 19, 20, 21, 23, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsko et al (USPN 4,809,125).

Regarding claims 1 and 2, Matsko et al disclose that a circuit breaker (circuit breaker 10 shown in fig. 2, 3 and 16) for an electrical circuit comprises an operating mechanism (e.g. 90, 92, 93a circuits) for interrupting current in the electrical circuit when operated; an electronic strip unit (63) including a microcomputer (100) which monitors the current in the electrical circuit and generates a trip signal by automatically operating the operating mechanism to interrupt the current when the current exceeds a selected value (see col. 11, lines 3-25); and a rating plug (84) having means establishing the selectable value of the current at which the electronic trip unit trips the operating mechanism (e.g. see col. 10 , lines 14-18), and a non-volatile memory (embedded in the circuit 100, e.g. see col. 11, lines 37-38) for storing frame current and rating current of circuit breaker (e.g. see fig. 16, steps H102, col. 18, lines 30-34), and a

first resistor (R603) for providing the microcomputer with the frame rating and a second resistor (R604) for providing the microcomputer with the current rating (see col. 18, lines 47-53, wherein the means (ROM) for storing the frame and rating currents including leads (101a) connecting the first resistor and second resistor to the non-volatile memory

Regarding claims 16, 19, 20, 21 Matsko et al disclose a rating plug (such as 63C shown in fig. 2) comprises a housing (64), connector (3 and 4 shown in fig. 3) for connecting the rating plug to the trip circuit (63), a non-volatile memory for storing current rating (e.g. see col. 11, lines 37-38, and col. 18, lines 30-35), wherein information regarding to current rating is sent to the trip circuit (63) in digital format only (digital format regarding to current rating is converted to a digital format by digital circuit 82).

Regarding claims 23, 24, Matsko et al disclose a circuit breaker (circuit breaker 10 shown in fig. 5) comprises an electronic trip unit (63) including a microcomputer (100) (see col. 4, lines 16-27), a removable digital rating plug (82 and 84) having a non-volatile memory (embedded in the microcomputer 100) storing current rating (e.g. see col. 18, lines 30-35 and fig. 16, step H102), a connector (such as 101a) for connecting the rating plug to the trip circuit (63), wherein the current rating is determined exclusively by the non-volatile memory.

6. Claims 17, 18, 25, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsko et al in view of Bilac et al. (USPN 6,560,084). Matsko et al disclose all limitations of claim 16 except for having a bar code label. Bilac et al.

disclose a bar code label (58 shown in fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the circuit breaker of Matsko et al with a bar code label as taught by Bilac et al. in order to indicate the desired current (Bilac et al. col. 8, lines 55-60).

***Allowable Subject Matter***

7. Claims 3, 4, 37-39 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 3 and 37 recite, *inter alia*; a circuit breaker comprises an Internet connection extending from the microcomputer and the rating current of the circuit breaker may be changed via the Internet connection.

The references of record do not teach or suggest the aforementioned limitations, nor would it be obvious to modify those references to include such limitations.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (703)-305-5988. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)-308-3119. The fax phone numbers

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Art Unit: 2836

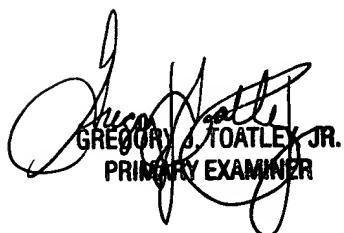
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for the organization where this application or proceeding is assigned are (703)-872-9318 for regular communications and (703)-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

DN

DN  
November 19, 2003



GREGORY A. TOATLEY JR.  
PRIMARY EXAMINER